

ISAHLUKO 7

URHULUMENDE WEKHAYA

Ubujamo BaboMasipala

151. (1) Umkhakha kaRhulumente wemaKhaya ubunjwa boMasipala okumele basungulwe eNarheni yoke yeRiphabliki.
- (2) Amandla wokuphatha nokwenza umThetho kaMasipala athweswe umKhandlu kaMasipala.
- (3) UMasipala unelungelo lokulawula ngokwakhe iindaba ezimalungana noRhulumente weKhaya nezomphakathakhe, ngaphasi komThetho weNarha newesiFunda, ngokuya komThethosisekelo.
- (4) URhulumente weNarha newesiFunda ngeze ehliisa namkha anyaze ikghono namkha ilungelo likaMasipala lokusebenzisa amandlakhe namkha wokwenza umsebenzakhe.

Iminqopho KaRhulumente WeKhaya

152. (1) iminqopho kaRhulumente weKhaya nginasi—
- (a) ukubonelela uRhulumente wentando yenengi noziphendulelako emiphakathini yemakhaya;
- (b) ukuqinisekisa ukwethulwa kwezenzelwa emiphakathini ngendlela efaneleko;
- (c) ukunyusa izinga lokuthuthukiswa kwezehlalakahle nezomnotho womphakathi;
- (d) ukunyusa izinga lebhoduluko elivikelekileko nelinepilo;
- (e) ukukhuthaza ukuzibandakanya komphakathi neenhlango zomphakathi eendabeni zakaRhulumente weKhaya.
- (2) UMasipala kumele alwe, ngakho koke okusemandlenakhe weemali ukuphumelelisa iminqopho etjhiwo esigatjaneni (1).

Imisebenzi YokuThuthukiswa KwaboMasipala

153. UMasipala kumele—
- (a) akhe begodu alawule zokuphatha, manqophana nesabelo seemali, neendlela zekambiso zokutlama, nokunikela iindingo eziqakathekileko zomphakathi

- begodu enyuse nezinga lokuthuthukiswa kwezehlalakuhle nomnotho womphakathi; begodu
- (b) ahlanganyele emahlelweni wokuthuthukiswa kweNarha newesiFunda.

AboMasipala KuRhulumente Webambiswano

154. (1) URhulumente weNarha newesiFunda, ngomThetho namkha ngokwamanye amagadango, kumele asize abe aqinise amandla waboMasipala ukobana bakwazi ukuphatha iindaba zabo, basebenzise amandlabo bebakwazi nokwenza umsebenzabo.
- (2) Ukutlamba umThetho weNarha newesiFunda othinta ubujamo, iinkhungo, amandla namkha imisebenzi kaRhulumente weKhaya kumele waziswe emphakathini bona uveze amazizo wawo ngaphambi kobona ungeniswe esiBethamthethweni seNarha namkha esiBethamthethweni sesiFunda, ngendlela leyo evumela uRhulumente weKhaya ohlelekileko, aboMasipala nabanye abantu abaneenrhuluphelo ithuba lokuveza imibonwabo manqophana nomThetho otlhanyiweko.

Ukuhlonywa KwaboMasipala

155. (1) Kuneengaba ezilandelako zoboMasipala:
- (a) Isigaba A: uMasipala onamandla angezelelweko begodu nokuziphatha ngokomThetho endawenakhe.
- (b) Isigaba B: uMasipala ohlukaniselwe amandla begodu nokuziphatha ngokomThetho endawenakhe enesigaba C sikaMasipala ngaphasi kwendawo awela kiyo.
- (c) Isigaba C: uMasipala onikelwe amandla begodu nokuziphatha ngokomThetho endaweni efaka hlangana aboMasipala abangaphezulu koyedwa.
- (2) UmThetho weNarha kumele uhlathulule iingaba ezahlukeneko zaboMasipala abangahlonywa ngaphakathi kwesigaba sinye.
- (3) UmThetho weNarha kumele—
- (a) usungule indlela yokubona bona indawo kumele ibe nesigaba sinye, isigaba A namkha kumele ibe neengaba ezimbili, iingaba B nesika- C zabomasipala.
- (b) usungule indlela begodu namano wokusika imikhawulo yaboMasipala libandla elizijameleko lomThetho; begodu
- (c) ngokuya kwesigaba 229, wenze isiqalelelo sokuhlukanisa kuhle amandla begodu nemisebenzi hlangana naboMasipala nangabe indawo inaboMasipala

beengaba zombili, isigaba B nesigaba C. Ukwahlukaniselana kwamandla nemisebenzi hlangana noMasipala wesigaba B noMasipala wesigaba C bangahlukana ekwahlukaniselaneni kwamandla nemisebenzi hlangana nesinye isigaba B begodu naso lesiya isigaba C sikaMasipala.

- (4) UmThetho okukhulunywa ngawo esigatjaneni (3) kumele utjheje ukunikelwa kwezenzelwa zikaMasipala ngendlela elinganako begodu nebambelelako.
- (5) UmThetho wesiFunda kumele ubonelele imihlobo eyahlukeneko yaboMasipala abangahlonywako esiFundeni.
- (6) Omunye nomunye uRhulumente wesiFunda kumele ahlome aboMasipala esiFundeni ngendlela ekhambisana nomThetho ophasiswe ngokuya kwesigatjana (2) nesesi- (3) begodu, nangokomThetho namkha kungaba ngowananyana ngimaphi amagadango, kumele—
 - (a) anikele ngokulawulwa begodu nokusekela uRhulumente kaMasipala esiFundeni, begodu
 - (b) anyuse izinga lokuthuthukiswa kwekhono lakaRhulumente weKhaya ukusiza aboMasipala ukwenza imisebenzabo begodu bakghone nokuphatha iindaba zabo.

(6A)

[Isigatjana. (6A) sifakwe ngokwesigaba 1 somThethosisekelo oliTjhuguluko lesiThathu lomThetho womnyaka we-1998 begodu sasulwa ngesigaba 2 somThethosisekelo oliTjhuguluko leTjhumu nambili lomThetho womnyaka we-2005.]

- (7) URhulumente weNarha, ngokuya kwesigaba 44, begodu naboRhulumente beamFundu banamandla wangokomThetho nangokokuphatha ukuhlolisisa ukusebenza okubonakalako kwaboMasipala ngemisebenzabo manqophana neendaba ezirheliswe eHlelwenikambiso 4 begodu 5, ngokulawula kusebenza kwaboMasipala amandlabo wokwenza umThetho nokuphatha okukhulunywa ngawo esigabeni 156(1).

Amandla Nemisebenzi YaboMasipala

156. (1) UMasipala unamandla wokuphatha begodu nelungelo lokulawula—
 - (a) iindaba zikaRhulumente weKhaya ezirheliswe eNgcenyeni B yeHlelokambiso 4 neNgcenyeni B yeHlelokambiso 5; begodu
 - (b) nanyana ngiyiphi indaba enikelwe namkha edluliselwe kiwo umThetho weNarha namkha wesiFunda.

- (2) UMasipala angenza begodu alawule imiThetho ekulawuleni kweendabezo unelungelo lokuzilawula.
- (3) Ngokulawulwa sigaba 151(4) umThetjhwana otjhayisana nomThetho weNarha namkha wesifunda awukho emthethweni. Nangabe kunokutjhayisana hlangana nomThetjhwana begodu nomThetho weNarha namkha wesifunda lokho akusebenziseki ngebanga lokutjhayisana okukhulunywa ngakho esigabeni 149, mThetjhwana lowo kumele uthathwe njengosemThethweni esikhathineso lapha umThetho lowo usasetjenziswa.
- (4) URhulumente weNarha newesifunda kumele anikele namkha adlulisele kuMasipala, ngesivumelwano begodu ngokulawulwa nginyanya ngibuphi ubujamo ukuphathwa kwendaba erheliswe enNgcenyeni A eseHlelwenikambiso 4 namkha enNgcenyeni A eHlelwenikambiso 5 elikhambisana noRhulumente weKhaya nangabe—
 - (a) indaba leyo ingadluliswa ngcono lokha nayitjhejwa endaweni leyo; begodu
 - (b) noMasipala nakanamandla wokuyidlulisa.
- (5) UMasipala unelungelo lokusebenzisa nanyana ngimaphi amandla aphantsi nendaba okuthhola itjhejo namkha emayelana nokwenziwa komsebenzakhe ngepumelelo.

Ukubunjwa Nokukhethwa KwemiKhandlu YaboMasipala

157. (1) UmKhandlu kaMasipala ubunjwa—
- (a) malunga akhethwe ngokuya kweengatjana (2) nesesi-(3); namkha
 - (b) nangabe indlela inikelwa mThetho weNarha—
 - (i) amalunga akhethwa ngomunye umKhandlu kaMasipala ukujamela umKhandlu omunye lowo; namkha
 - (ii) amalunga womabili akhethwe ngokuya kwepharagrafu (a) begodu amalunga akhethwe ngokuya kwepharagrafana (i) yepharagrafu le.

[Isigatjana 1 sijanyiselelwe sigaba 1 (a) somThethosisekelo oliTjhuguluko lobuNane lomThetho womnyaka we-2002 begodu nesigaba 3 somThethosisekelo oliTjhuguluko leTjhumu lomThetho womnyaka we-2008.]

- (2) Ukukhethwa kwamalunga womKhandlu kaMasipala njengobana bekulindelwe ngokuya kwesigatjana (1) (a) kumele kukhanjise ngokuya komThetho weNarha okungiwoko kumele ubeke irherho—

- (a) lokujanyelwa kweenhlango ukuya ngamavowudu atholwe ngizo ngokuya kwerherho elifanako labavowudi bendawo kaMasipala, begodu banikela ukukhethwa kwamalunga avela emarhelweni wabonkhetani behlangano elitlolwe ngokulandelana kwamalunga okuquntwe yinhlangano leyo; namkha
 - (b) ngokujanyelwa kweenhlango ukuya ngamavowudu atholwe ngizo njengombana kutjihiwo epharagrafini (a) ehlanganiswe nerherho lokujanyelwa kwamaWadi okusekelwe kuhlukaniswa kukaMasipala kwerhelo elifanako labavowudi benarha.
- (3) Irherho lamakhetho ngokuya ngokwesigatjana (2) kumele liphelele ngokujameleka okulinganako.

[Isigatjana (3) sijanyiselewe sigaba 1 (b) somThethosisekelo oliTjhuguluko lobuNane lomThetho womnyaka we-2002.]

- (4) (a) Nangabe irherho lamakhetho lifaka hlango ukujanyelwa kweWadi, ukurhunyezwa kwemikhawulo yamaWadi kumele kwenziwe siphathiswa esizijameleko esikhethwe ngokuya begodu nangokulandela indlela yekambiso ebekwe mThetho weNarha.
- (b)

[Ipharagrafu (b) ijanyiselewe sigaba 3 somThethosisekelo oliTjhuguluko leTjhami namBili lomThetho we-2005.] [Isigatjana (4) sijanyiselewe sigaba 2 somThethosisekelo oliTjhuguluko lesiThathu lomThetho womnyaka we-1998.]

- (5) Umuntu angavowuda kuMasipala kwaphela lokha umuntu lowo atloliswe engcenyeni yalowo Masipala erherhweni elifanako labavowudi benarha.
- (6) UmThetho weNarha okukhulunywa ngawo esigatjaneni 1 (b) kumele usungule irherho elivumela iinhlangano neenrhuluphelo ezivezwa ngaphakathi komKhandlu kaMasipala, begodu ebonelela bonyana lezonkhundla zizaliswa ngokujanyelwa okufaneleko.

Ubulunga Bemikhandlu KaMasipala

158. (1) Esinye nesinye isakhamuzi esinelungelo lokovowudela umKhandlu kaMasipala sinelungelo lokuba ilunga lomKhandlu loyo, ngaphandle—
- (a) kwananyana ngimuphi umuntu oqatjhwe namkha osebenza kwaMasipala begodu othola umrholo ngebanga lokuqatjhwa namkha ukusebenza kwakhokho; begodu loyo ongakakhutjhwa elungelweleno ngokuya komThetho weNarha;

- (b) kwananyana ngimuphi umuntu oqatjhwe namkha osebenza kuRhulumente kwelinye izinga, begodu othola umrholo ngebanga lokuqatjhwa namkha ukusebenza kwakhokho, begodu owamukwe ubulunga bomKhandlu ngokuya komThetho weNarha;
 - (c) kwananyana ngimuphi umuntu owamukwe ilungelo lokuvowudela isibhamthetho seNarha namkha owalelwe ngokuya kwesigaba 147(1) (c), (d) namkha (e) ukuba lilunga lesibhamthetho seNarha;
 - (d) kwelunga lesibhamthetho seNarha, isithunywa somKhandlu weNarha ongamele iimFunda namkha ilunga lesibhamthetho sesiFunda; kodwana ukwalelwa lokhu akusebenzi elungeni lomKhandlu kaMasipala elijamele umKhandlu lowo komunye umKhandlu kaMasipala esigabeni esihlukileko; namkha
 - (e) kwelunga lomKhandlu kaMasipala omunye; kodwana ukungabi nelungelo lokhu akusebenzi elungeni lomKhandlu kaMasipala elijamele umKhandlu lowo komunye umKhandlu kaMasipala womhlobo ohlukileko.
- (2) Umuntu ongakalungeli ukuba lilunga lomKhandlu kaMasipala ngokuya kwesigatjana (1)(a), (b), (d) namkha (e) angaba ngungikethani womKhandlu, ngokulawulwa nginyana ngiziphi iinrhunyezo namkha imibandela esungulwe mThetho weNarha.
 - (3) linkhundla kuMkhandlu kaMasipala kufuze zizaliswe ngokuya koMthetho weNarha.

[Isigatjana 3 singezelelwe ngesigaba 4 soMthethosisekelo oITjhuguluko leTjhumu nahlanu lomThetho womnyaka we-2008.]

Isikhathi SemiKhandlu KaMasipala

159. (1) Isikhathi sokuhlala komKhandlu kaMasipala angeze sadlula iminyaka emihlanu, ngendlela ebekwe mThetho weNarha.
- (2) Nangabe umKhandlu kaMasipala uyaphadlhalajwa ngokuya komThetho weNarha, namkha nangabe isikhathi sawo somsebenzi siyaphela, amakhetho kumele abanjwe kungakadluli amalanga ama-90 kusukela ngelanga umKhandlu lowo owaphadlhalajwa ngalo namkha waphelwa ngawo sikhathi.
- (3) UmKhandlu kaMasipala, ingasiwo umKhandlu ophadlhalajwe ngokuya kokungelelela kwesigaba 139, uhlala usezingeni lokungasebenza kusukela

ngesikhathi ophadhlalajwe ngaso namkha isikhathi sawo sesiphelile, ukufikela lapha umKhandlu omutjha okhethiweko umenyezela khona ngokomThetho.

[Isigaba 159 sijanyiselwe sigaba 1 somThethosisekelo oliTjhguluko lesiBili lomThetho lomnyaka we-we-1998.]

linkambiso Zangaphakathi

160. (1) UmKhandlu kaMasipala —
- (a) uthatha iinqunto eziphatelene nokusetjenziswa kwawo wo ke amandla begodu nokwenza kwayo yoke imisebenzi kaMasipala;
 - (b) kumele uzikhethele uSihlalwawo;
 - (c) ungakhetha iKomidi yesiGungu namanye amakomidi, ngukulawulwa mThetho weNarha; begodu
 - (d) ungaqatjha abasebenzi labo abadingekako ukwenza imisebenzi yawo ngokupheleleko.
- (2) Imisebenzi elandelako angeze idluliselwe phambili mKhandlu kaMasipala:
- (a) ukwenziwa kwemThetho kaMasipala;
 - (b) ukuvunyelwa kwamabhajethi;
 - (c) ukufakwa kweenlinganiso kunye nemithelo eminye, amalevi, neminye imisebenzi; begodu
 - (d) nokubuthelelwa kwemaliboleko.
- (3) (a) inengi lamalunga womKhandlu kaMasipala kumele abekhona ngaphambi kobona ivowudu ingathathwa kunanyana ngiyiphi indaba.
- (b) yoke imibuzo emanqophana nazo zoke iindaba ezitjhiwo esigatjaneni (2) zibekwa ngesiqunto esithethwe mKhandlu kaMasipala ngevowudu esekelwa linengi lamalungawo.
- (c) yoke eminye imibuzo engaphambi komKhandlu kaMasipala iquqwa linengi lamavowudu asekelako.
- (4) Awukho nowodwa umthetjhwana ongaphasiswa mKhandlu kaMasipala ngaphandle kobana—
- (a) wo ke amalungu womKhandlu anikelwe isiyeliso esizwakalako; begodu
 - (b) umthetjhwana lowo ohlongozwako ukhangiswe emphakathini ukwenzela bona ukwazi ukuveza amazizwawo.

- (5) UmThetho weNarha unganikela indlela yokuqunta—
- ubukhulu bomKhandlu kaMasipala;
 - bona umKhandlu kaMasipala ungakhetha iKomidi yesiGungu namkha kungaba ngiyiphi enye ikomidi;
 - ubukhulu beKomidi yesiGungu namkha kungaba ngiyiphi enye ikomidi yomKhandlu kaMasipala.
- (6) UmKhandlu kaMasipala ungenza imithethwana enikela imilayo nemiyalo eqalene nokulandelako—
- ukuhleleka kwawo kwangaphakathi
 - umsebenzi nekambiswawo; begodu
 - Ukusungulwa, ukubunjwa, indlela yekambiso, amandla nemisebenzi yamakomidawo.
- (7) UmKhandlu kaMasipala kumele wenze umsebenzawo etjhatjhalazini, begodu ingavala imihlanganwayo namkha leyo yamakomidawo kwaphela nangabe kuyezwakala ukwenza njalo ngokutjheja ubujamo balowo msebenzi owenziwako.
- (8) Amalunga womKhandlu kaMasipala avumelekile ukuzibandakanya ekambiswenawo naleyo yamakomidawo ngokwendlela—
- evumela iinhlango neerhuluphelo ezikhona emKhandlwini bonyana zijanyelwa ngokufeneleko;
 - ekhambisana nentando yenengi; begodu
 - engalawulwa ngokomThetho weNarha.

Amalungelo Akhethekileko

161. UmThetho wesiFunda owakhiwe ngokwephahla lokomThetho weNarha ungabonelela ngamalungelo akhethekileko nokulitjalelwa kwemiKhandlu kaMasipala namalungayo.

Ukukhangiswa Kwemithethwana KaMasipala

162. (1) Imithethwana kaMasipala ingakatelelwa kwaphela ngemva kobana ikhangiswe oGazedeni yangokomthetho yesiFunda esithintekako.
- (2) IGazede yesiFunda yangokomthetho kumele ikhangise imithethwana kaMasipala lokha uMasipala nakabawa bona bamenzele lokho.
- (3) Imithethwana kaMasipala kumele ifikelele emPhakathini.

UmBuso WeNdawo Ohlekileko

163. UmThetho wePalamende ophasiswe ngokuya kwendlela yekambiso esungulwe ngokwesigaba 76 kumele—
- (a) ubonelele ukwamukelwa kweenhlangano zeNarha nezesiFunda ezijamele aboMasipala;
 - (b) ubeke iindlela zekambiso uRhulumende weKhaya angakwazi uku—
 - (i) thintana ngazo noRhulumende weNarha namkha wesifunda;
 - (ii) khomba ngazo abajameli abazakuthatha indima emKhandlwini weNarha ongamele iimFunda; begodu
 - (iii) nokuzibandakanya ngazo ekambisweni ebekwe emThethweni weNarha otjhejwe esigabeni 221 (1)(c).

[Isigaba 163 (b) sijanyiselelwe sigaba 4 somThethosisekelo oliTjhuguluko leKhomba lomThetho womnyaka we-2001.]

Ezinye lindaba

164. Nanyana ngiyiphi indaba ephathelene noRhulumende weKhaya ezingakabonelelwa emThethosisekelo ingabonelelwa emThethweni weNarha, namkha emThethweni wesifunda ngokuya ngokuya kwephahla lomThetho weNarha.